

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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EUGENE MCNEIL,	:	
	:	CIVIL ACTION
Plaintiff	:	
v.	:	NO. 06-2894
JO ANNE B. BARNHART, <sup>1</sup>	:	
COMMISSIONER OF THE	:	
SOCIAL SECURITY ADMINISTRATION,	:	
Defendant	:	
	:	

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ORDER

**AND NOW**, this 28<sup>th</sup> day of March, 2007, upon consideration of the parties' Motions for Summary Judgment, and after careful review of the Report and Recommendation of United States Magistrate Judge Arnold C. Rapoport, and no objections having been filed, IT IS ORDERED that:

1. the Report and Recommendation is APPROVED and ADOPTED;
2. the Plaintiff's Motion for Summary Judgment is DENIED;
3. the Defendant's Motion for Summary Judgment is GRANTED; and
4. judgment is entered affirming the decision of the Commissioner.

BY THE COURT:

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s/William H. Yohn Jr.  
WILLIAM H. YOHN, JR.,  
United States District Judge

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<sup>1</sup> On February 12, 2007, Michael J. Astrue became the Commissioner of the Social Security Administration and, therefore, he should be automatically substituted as the Defendant in this action. See Fed. R. Civ. P. 25(d)(1).